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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION  
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16 SECURITIES AND EXCHANGE COMMISSION,  
17 Plaintiff,  
18 vs.  
19 BENJA INCORPORATED,  
20 Defendant.  
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Case No. 4:20-cv-08238-JSW

SECURITIES AND EXCHANGE  
COMMISSION'S NOTICE OF DISMISSAL  
OF CLAIMS AND STATUS REPORT

Plaintiff Securities and Exchange Commission (“SEC”) hereby submits the following notice describing its dismissal of the remaining claims against Defendant Benja Incorporated (“Benja”). The SEC further provides the status report requested by the Court in the Order of February 21, 2024 (ECF 26).

**SEC’s Notice of Dismissal of Claims**

The SEC has been working with the Trustee in bankruptcy for Benja in his efforts to conclude Benja’s Chapter 7 liquidation. Since the Court ordered final judgment against Andrew Chapin in April 2022 (ECF 23), Benja is the sole remaining defendant.

As previously described, Benja filed for Chapter 11 bankruptcy protection in October 2020, and its case was converted to a Chapter 7 liquidation in December 2020, at which time the Chapter 7 Trustee was appointed. *In re Benja Incorporated*, Case No. 20-30819-DM-7 (U.S. Bankr. N.D. Cal.) (the “bankruptcy case”). The SEC had filed a claim in Benja’s bankruptcy case to preserve the ability to collect on any potential disgorgement order obtained in this matter before the Court.

After consultations between the SEC and the Trustee, the Trustee moved in the bankruptcy case to place investors and other unsecured creditors on equal footing for purposes of distribution in order to allow for a more direct, but still fair, compensation of harmed investors through the Chapter 7 liquidation. The bankruptcy court has granted the relief sought by the Trustee, rendering the SEC’s principal purpose for our claims in this action against Benja largely accomplished.

Because Benja did not previously answer the SEC’s complaint in this action, the SEC may amend its complaint—including by withdrawing its claims against Benja—as a matter of course, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). Accordingly, the SEC hereby withdraws its claims against Benja.

**Status Report**

With the withdrawal of the remaining claims against Benja, no further proceedings will be necessary in this case.

Respectfully submitted,

DATED: May 13, 2024

/s/ Susan F. LaMarca

Susan F. LaMarca  
Attorney for Plaintiff

SECURITIES AND EXCHANGE COMMISSION